

REMARKS

The following remarks are responsive to the Final Office Action of July 29, 2009.

Claims 1–4, 6, 7, 9–17, 19–21, and 24 are pending. These claims were rejected under 35 U.S.C. § 103(a) as obvious over **Sugimoto** (U.S. Patent No. 6,829,009) in view of **Hong** (KR 2000-0030838), **Stockton** et al. (U.S. Patent Application Publication No. 2002/0146250), and **Blades** et al. (U.S. Patent No. 5,420,975).

Applicant has amended claims 1, 12, and 20 to include the limitations of claim 6 (and corresponding claim 16), and has canceled claims 6 and 16.

Applicant respectfully asserts that the claim amendments introduce no new issues requiring a further search by the Examiner, and thus should be entered.

35 U.S.C. § 103(a), Claims 1–4, 6, 7, 9–17, 19–21, and 24 Obviousness over Sugimoto in view of Hong, Stockton, and Blades

1. Applicant has amended independent claims 1, 12, and 20 to include the limitations of claim 6 respectively. The combination of references fails to teach or suggest a user-alterable reference number, as required by the amended claims.

In the Office Action, on pp. 2–15, the Examiner rejected claims 1–4, 6, 7, 9–17, 19–21, and 24 as being obvious over the teaching of Sugimoto in view of Hong, Stockton, and Blades.

In response, Applicant has added the limitations of claim 6 to independent claims 1, 12, and 20 respectively and discusses the distinction between the amended claims and the art cited against them below.

The amendments to the independent claims are directed to the feature that the reference number that triggers whether the menus change can be set by the user of the camera.

In the Office Action, in rejecting claim 6, the Examiner indicated that Hong further discloses that the reference number can be set by the user (Constitution, lines 1–4).

However, the Constitution of Hong is silent as to how the reference is set. The “set by the user” refers to the menus themselves, and not to the reference value that is used to trigger

a resetting of the menus. According to one of ordinary skill in the art and the cited prior art, threshold reference values for menu modifications are established prior to manufacture or use of the camera, and not by the users themselves. By permitting the users to set their own thresholds that trigger a menu modification, a choice is left to the user as to how influential the user's menu choices are in rearranging pre-established menu organizations. This is not taught or suggested in the prior art, nor would it be an obvious variation to one of ordinary skill in the art in view of art in which predefined thresholds dictate the influence of the user's menu choices in rearranging the pre-established menu organizations.

This is simply an aspect not taught by the combination of references, and not something that one of ordinary skill in the art, who would be seeking to minimize complexity and cost of the device, would arrive at unless such a beneficial outcome was recognized—which can only be derived from the teaching of the present specification.

The same logic applies to independent claims 12 and 20. The remaining dependent claims are nonobvious over the combination of references by virtue of their dependence from the independent claims.

2. Hong fails to disclose comparing a number of use values for each menu item with a reference number, but rather discloses a number of uses of a camera by a particular user.

In the Office Action, on p. 3, the Examiner indicated that Hong discloses comparing a number of uses value to a reference number. However, this disclosure in Hong relates to a number of uses of the camera by a particular user, and not to the number of use values for each menu item. The invention as presently claimed requires that the reference value comparison be performed with respect to the menu items themselves, and not just simply with respect to use of the camera. Thus, as presently claimed, the invention permits finer control over the display of menus in an advantageous manner not found in the prior art.

3. The combination of references fails to teach or suggest “a number of uses value for each menu item by totaling the number of times each menu item has been used across the plurality of operation modes.”

In the Office Action, on p. 3, the Examiner indicated that Sugimoto discloses “determining a number of uses value for each menu item by totaling the number of times each menu item has been used across the plurality of operation modes”.

Applicants respectfully disagree that Sugimoto or any of the other cited references teach a totaling of menu item use *across the plurality of operation modes*. The references are silent as to the totaling of the menu items across the plurality of operation modes.

Based on the amendments to independent claims 1, 12, and 20, and arguments above, Applicant respectfully asserts that independent claims 1, 12, and 20, and the remaining claims that depend therefrom, are not obvious over the combination of Sugimoto, Hong, Stockton, and Blade, and request that the 35 U.S.C. § 103 rejection be withdrawn from the application.

Conclusion

For the foregoing reasons, all pending claims in the present application are believed to be allowable. Thus, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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